

**REMARKS**

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

By the foregoing amendment, claims 1, 7 and 9 have been amended. Thus, claims 1-9 are currently pending in the application and subject to examination.

Claims 1-8 were rejected under 35 USC § 103(a) as being unpatentable over EP 0997900, or, or in the alternative under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,553,532 to Aoki (hereinafter, "Aoki"). Claim 9 was rejected under 35 USC § 103(a) as being unpatentable over Aoki in view of U.S. Patent No. 5,193,176 to Brandin (hereinafter, "Brandin"). It is noted that claims 1, 7 and 9 have been amended. To the extent the rejections remain applicable to the claims currently pending, the Applicants hereby traverse the rejections, as follows.

Independent claims 1, 7 and 9, as amended, recite, in part:

power supply means for supplying an electric power from a power source or an auxiliary power source to the read device and the write device;

detector means for detecting an interruption of at least any one of a read operation of said read device and a write operation of said write device in the course of writing said program information by said write device, said interruption being caused due to an electric power failure;

determination means which operates when said detector means has detected the interruption, to supply an electric power from the auxiliary power source, to determine a write status of program information on said second information storage medium at the time of said interruption, and to store the write status sent from the detector means in a nonvolatile memory;

control means for controlling said read device and said write device, upon restarting writing said program information by said write device and in response to the write status read from the nonvolatile memory, to continue a write

operation on said second information storage medium from the program information to be read subsequent to the program information at the time of said interruption or to perform a rewrite operation on said second information storage medium from said program information at the time of said interruption.

The Applicants submit that neither Aoki nor Brandin, alone or combined, discloses or suggests at least these features of the claimed invention.

In the claimed invention, the detector means detects an interruption of a read operation by a read device and/or a write operation by a write device in the course of writing program information by the write device. The determination means determines a write status of program information on an information storage medium at the time of the interruption. The control means controls the read device and the write device upon restarting writing the program information by the write device and in response to the write status determined by the determination means, to continue a write operation on the information storage medium from the program information to be read subsequent to the program information at the time of the interruption, or to perform a rewrite operation on the information storage medium from the program information at the time of the interruption.

By virtue of the present invention having the above-mentioned features, it is possible to provide an improved information read/write apparatus, an improved information read/write method, and an improved program storage medium storing a read and write procedure program which allows a computer to perform the read/write processing that requires only a simple operation to continue high-quality reading and

writing of the program information subsequent to the most recently written program information at an interruption caused by a power failure or the like.

Specifically, the present invention makes it possible to continue a read/write operation of the program information subsequent to an interruption without requiring cumbersome manual operations. This in turn serves to improve operability and provide high-quality read and write operations, thereby ensuring continuity between the program information stored prior to the interruption and the program information stored subsequent to the interruption. In the claimed invention, a write status is determined (judged) at the time of a power supply interruption, such that when the power supply interruption is eliminated and recording of program information is to be continued, it is possible to continue the information recording so as to ensure continuity between the program information stored prior to the interruption and the program information to be stored subsequent to the interruption, without requiring manual operations. In this way, since a write status is determined (judged) at the time of power supply interruption, it is possible to quickly restart recording or reproducing in accordance with the write status at the time of the power supply interruption.

In contrast, Aoki discloses judging whether data has been normally recorded in a specific ECC block after a power supply is turned on subsequent to a power interruption. Thus, in Aoki, since a confirmation for confirming whether data has been normally recorded in an ECC block is performed only after a power supply is turned on, neither recording nor reproducing the program information can be performed until the confirmation is finished. Therefore, it is impossible to quickly continue recording or reproducing the program information even if the power supply interruption has been

eliminated. Accordingly, Aoki cannot provide the benefits attainable by the claimed invention.

In addition, Brandon teaches a backup method in which a computer operator is first notified by the presence of a power-down signal that there has been an interruption in the primary power, and then must signify a desire to resume operation of an application before the application is resumed. Therefore, Brandin does not provide the benefits of the claimed invention.

For at least these reasons, the Applicants submit that neither Aoki nor Brandin, alone or combined, discloses or suggests each and every feature of the claimed invention. Specifically, the Applicants submit that neither Aoki nor Brandin, alone or combined, discloses or suggests at least the features of a detector means for detecting an interruption of at least any one of a read operation of said read device and a write operation of said write device in the course of writing said program information by said write device, said interruption being caused due to an electric power failure; determination means which operates when said detector means has detected the interruption, to supply an electric power from the auxiliary power source, to determine a write status of program information on said second information storage medium at the time of said interruption, and to store the write status sent from the detector means in a nonvolatile memory; control means for controlling said read device and said write device, upon restarting writing said program information by said write device and in response to the write status read from the nonvolatile memory, to continue a write operation on said second information storage medium from the program information to be read subsequent to the program information at the time of said interruption or to

perform a rewrite operation on said second information storage medium from said program information at the time of said interruption, as recited in claims 1, 7 and 9, as amended.

For at least these reasons, The Applicants submit that independent claims 1, 7 and 9 are patentably distinct over Aoki and in condition for allowance. As claims 1 and 7 are allowable, claims 2-6 and 8 are allowable for at least the same reasons as claims 1 and 7, as well as for the additional subject matter recited therein.

Accordingly, withdrawal of the rejections of claims 1-9 under 35 USC § 102(e) or § 103(a) is respectfully requested.

### **Conclusion**

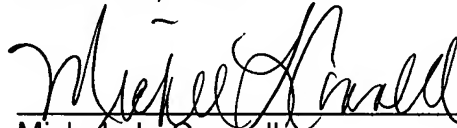
For all of the above reasons, it is respectfully submitted that the claims currently pending are in condition for allowance and a Notice of Allowability is earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is invited to contact the undersigned representative at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300 referencing client matter number 107156-00095.

Respectfully submitted,

Arent Fox, PLLC

A handwritten signature in black ink, appearing to read "Michele L. Connell", is written over a horizontal line.

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